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BAYER HEALTHCARE PHARMACEUTICALS INC.
and BAYER HEALTHCARE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOE V. SANCHEZ and SANDRA L.
ROARTY-SANCHEZ,,

Plaintiffs,

V.

BAYER HEALTHCARE
PHARMACEUTICALS, INC.; BAYER
HEALTHCARE LLC; GENERAL
ELECTRIC COMPANY; GE
HEALTHCARE, INC.; TYCO
INTERNATIONAL, INC.; COVIEN,
INC.; TYCO HEALTHCARE GROUP, LP;
MALLINCKRODT, INC.; and BRACCO
DIAGNOSTICS, INC.,

Defendants.

Case No. CV-08-0973 (EMC)

**NOTICE OF PENDENCY OF OTHER
ACTIONS OR PROCEEDINGS FOR
DEFENDANTS BAYER
HEALTHCARE PHARMACEUTICALS
INC. AND BAYER HEALTHCARE
LLC**

[CIV. L.R. 3-13]

Pursuant to Civil L.R. 3-13, Defendants Bayer HealthCare Pharmaceuticals Inc., and Bayer Healthcare LLC (the “Bayer Defendants”) submit the following Notice of Pendency of Other Actions or Proceedings:

Background

Pursuant to a February 27, 2008 Transfer Order, the Judicial Panel on Multidistrict Litigation (the “Panel”) ordered the transfer of 24 actions involving gadolinium-based contrast agents to the United States District Court for the Northern District of Ohio, MDL

1 No. 1909, for coordinated or consolidated pretrial proceedings. The instant case also
 2 involves claims arising from the alleged administration of gadolinium-based contrast
 3 agents and therefore should be transferred to MDL No. 1909 in the Northern District of
 4 Ohio. Another defendant, Bracco Diagnostics Inc., has provided notice to the Panel that
 5 this case is a potential tag-along case to MDL No. 1909.

6 **A. Federal Cases Subject to the February 27, 2008 Transfer Order**

7 One or both of the Bayer Defendants have been served in the following cases that
 8 were included in the Panel's February 27, 2008 Transfer Order:

9 1. *Mary Davis, Individually and as Executrix of the Estate of Rubert L. Davis*
 10 *v. General Electric Company, et al.*, N.D. Ga. (Rome Div.), Case No. 4:07cv00202

11 (pending transfer to MDL No. 1909).

12 2. *Jeanetta Deason v. General Electric Company, et al.*, M.D. Tenn.
 13 (Nashville), Case No. 3:07cv0619 (pending transfer to MDL No. 1909).

14 3. *Paul W. Frazier and Margaret E. Frazier v. Bayer Corporation, et al.*, S.D.
 15 Ohio (Eastern Div.), Case No. 2:07cv01005 (pending transfer to MDL No. 1909).

16 4. *Donna Lee v. General Electric Company, et al.*, W.D. Tex. (San Antonio
 17 Div.), Case No. 5:07-cv-00825 (pending transfer to MDL No. 1909).

18 5. *Cynthia Kay Mitchell v. Berlex Labs Inc., et al.*, C.D. Cal. (Eastern Division
 19 – Riverside), Case No. 5:07cv00433 (pending transfer to MDL No. 1909).

20 6. *Beverly Rockwell, Trevor A. Drake v. Bayer Healthcare Pharmaceuticals,
 21 Inc., et al.*, N.D. Ohio (Cleveland), MDL No. 1909, Case No. 1:08-gd-50002.

22 **B. Federal Cases Subject to Conditional Transfer Order No. 1 (MDL No. 1909)**

23 One or both of the Bayer Defendants have been served in the following cases that
 24 are subject to the Panel's Conditional Transfer Order No. 1 (MDL No. 1909), dated
 25 March 7, 2008:

26 1. *Denise Grant v. General Electric Company, et al.*, E.D. Pa., Civil Action
 27 No. 2:08-cv-00404 (pending transfer to MDL No. 1909).

28 2. *John R. Hackett and Juanita J. Hackett v. Bayer Corporation, et al.*, M.D.

1 Flor. (Orlando Div.), Civil Action No. 6:08-cv-29-ORL-31 UAM (pending transfer to
 2 MDL No. 1909).

3. *Gregory Key v. General Electric Company, et al.*, E.D. Wis. (Milwaukee
 4 Div.), Civil Action No. 07-C-0986 (pending transfer to MDL No. 1909).

5. *Carmel T. Koerber, Executrix of the Estate of Duane N. Koerber v. Bayer
 6 Healthcare Pharmaceuticals, Inc., et al.*, D. Conn., Civil Action No. 3:07cv1753
 7 (pending transfer to MDL No. 1909).

8. *George Lipscomb and Ruth Ann Lipscomb v. Bayer Corporation, et al.*,
 9 N.D. W. Va., Civil Action No. 5:08-cv-00029 (pending transfer to MDL No. 1909).

10. *Ernest Dwight Louderman v. General Electric Company, et al.*, C.D. Ill.,
 11 Case No. 07-cv-03296 (pending transfer to MDL No. 1909).

12. *Francis Lydon v. Bayer Corporation, et al.*, N.D. W. Va., Civil Action No.
 13 5:08-cv-00027 (pending transfer to MDL No. 1909).

14. *Joann McBride, Individually and as Heir and Personal Representative of
 15 Ian Anderson, Deceased, and as Natural Mother of Ian Anderson, a deceased unmarried
 16 adult without descendants v. General Electric Company, et al.*, D. Col., 1:08-cv-00047
 17 (pending transfer to MDL No. 1909).

18. *Judith Minor as Administratrix of the Estate of Ellsworth D. Minor, Jr. v.
 19 Bayer Corporation, et al.*, D. New Jersey, Civil Action No. 1:08-cv-00562 (pending
 20 transfer to MDL No. 1909).

21. *Jennifer Newton and Gerald Newton, Jr. v. General Electric Company, et
 22 al.*, W.D. New York, Case No. 08-6009 (pending transfer to MDL No. 1909).

23. *Billy Parker v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, M.D. La.,
 24 Case No. 3:07cv00826 (pending transfer to MDL No. 1909).

25. *Mary R. Reel v. Bayer Corporation, et al.*, N.D. W. Va., Civil Action No.
 26 5:08-cv-00028 (pending transfer to MDL No. 1909).

27. *Michelle Rice v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, M.D. La.,
 28 Case No. 3:07cv00776 (pending transfer to MDL No. 1909).

1 14. *Brian Paul Staples and Melinda Staples, h/w v. General Electric Company, et al.*, D. New Jersey, Civil Action No. 3:07-cv-05942 (pending transfer to MDL No. 1909).

2 15. *Deena W. Wood as Administratrix of the Estate of Cora Lee Wiles v. Bayer Corporation, et al.*, D. New Jersey, Civil Action No. 1:08-cv-00559 (pending transfer to MDL No. 1909).

3 **C. Federal Cases Not Yet Subject to a Conditional Transfer Order for MDL No. 6 1909**

4 One or both of the Bayer Defendants have been served in the following cases that 5 involve claims arising from the alleged administration of gadolinium-based contrast 6 agents, but are not yet subject to any Conditional Transfer Order for MDL No. 1909:

7 1. *Michelle Brennan, Individually and as Administrator of the Estate of James 11 Brennan, Deceased v. General Electric Company, et al.*, N.D. Ohio (Eastern District), 12 Case No. 1:08-cv-00318.

13 2. *Thomas Lis, Individually and as Husband of Laura Lis, Deceased v. 14 General Electric Company, et al.*, W.D. Tenn., Civil Case No. 2:08-cv-02104.

15 3. *William Paschal and Patricia Paschal v. Bayer Healthcare 16 Pharmaceuticals, Inc., et al.*, N.D. Cal. (San Francisco Div.), Case No. 08-1298.

17 4. *Sang Walker, Individually and as Wife of James Walker, Deceased v. 18 General Electric Company, et al.*, M.D. Tenn., Civil Case No. 3:08-cv-00172.

19 **D. State Court Cases**

20 One or both of the Bayer Defendants have been served in the following state court 21 cases that involve claims arising out of the alleged administration of gadolinium-based 22 contrast agents:

23 1. *Rebecca Brulewicz, Individually and as Administratrix for the Estate of 24 Norma Mitchell, Deceased v. General Electric Company, et al.*, Superior Court of New 25 Jersey, Atlantic County, Law Division, Docket No. ATL-L-240-08.

26 2. *Susan Cox-Harris v. General Electric Company, et al.*, Superior Court of 27 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-478-08.

1 3. *Frank Crocetto and Mary Beth Crocetto v. General Electric Company, et*
 2 *al., Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-*
 3 *0009-08.*

4 4. *John F. Duffy v. General Electric Company, et al., Superior Court of the*
 5 *State of Delaware, New Castle County, Case No. 08C-02-268.*

6 5. *Olivia Galloway, in her own right, and as Administratrix of the Estate of*
 7 *John Charles Galloway, Deceased v. Bayer Healthcare Pharmaceuticals, et al., Superior*
 8 *Court of New Jersey, Camden County, Docket No. L-2798-07.*

9 6. *Peter Jay Gerber and Miriam Goldberg v. Bayer Corporation, et al.,*
 10 *Superior Court of Cal., County of San Francisco, Case No. CGC-07-468577.*

11 7. *Janet Goldstein v. General Electric Company, et al., Superior Court of*
 12 *New Jersey, Atlantic County, Law Division, Docket No. ATL-L-719-08.*

13 8. *Paul Gordon, Individually and as Executor of the Estate of his deceased*
 14 *spouse, Wilma C. Gordon v. Bayer Healthcare Pharmaceuticals, Inc., et al., Superior*
 15 *Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-329-08.*

16 9. *Bradford Hall, Individually and in his capacity as the Personal*
 17 *Representative of the Estate of Regina Hall, Deceased v. General Electric Company, et*
 18 *al., Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-*
 19 *3987-07.*

20 10. *LaManor Harris and Israel Harris v. Bayer Healthcare Pharmaceuticals,*
 21 *Inc., et al., Superior Court of Cal., County of Los Angeles, Case No. BC 385525.*

22 11. *Beverly Hopson v. General Electric Company, et al., Superior Court of*
 23 *New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0013-08.*

24 12. *George Kelly and Dawn Kelly, h/w v. Bayer Healthcare Pharmaceuticals,*
 25 *Inc., et al., Court of Common Pleas, Delaware County, Pa., Civil Action No. 07-18539.*

26 13. *Carol Moorhouse and James Moorhouse v. Bayer Healthcare*
 27 *Pharmaceuticals, Inc., et al., Superior Court of Cal., County of San Francisco, Case No.*
 28 *CGC-08-472970.*

1 14. *Melanie Prado and Carlos Prado v. General Electric Company, et al.*,
 2 Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0012-
 3 08.

4 15. *Josephine Ingrid Raynor v. General Electric Company, et al.*, Superior
 5 Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-236-08.

6 16. *Antwine Richardson v. General Electric Company, et al.*, Superior Court of
 7 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0014-08

8 17. *Cary J. Schwanitz, Individually and Gail Schwanitz, Individually, husband
 9 and wife v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, Superior Court of New Jersey,
 10 Atlantic County, Law Division, Docket No. ATL-L-4106-07.

11 18. *Frances Smith-Reed v. General Electric Company, et al.*, Superior Court of
 12 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0015-08.

13 19. *Thomas M. Young v. General Electric Company, et al.*, Superior Court of
 14 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-717-08

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 16
 17 Dated: March 11, 2008

DRINKER BIDDLE & REATH LLP

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